

REMARKS

This Response to Office Action is submitted in response to the Office Action of December 5, 2003. Claims 14 and 15 stand allowed. Claims 1, 3-6, 8-10, 12, 13, 16, 26-28, 32, 36 and 44 have been amended. Claims 21-25 have been cancelled. No new matter has been added by these amendments.

A Request for Continued Examination is submitted herewith. A Petition for a One Month Extension of Time to Respond to the Office Action and a Supplemental Information Disclosure Statement are submitted herewith. A check in the amount of \$880.00 is submitted herewith to cover the cost of the RCE and the one-month extension. Please charge deposit account number 02-1818 for any insufficiency of payment or credit any overpayment.

The Office Action rejected Claims 1, 5-7, 9, 10, 12, 13, 16, 17, 19, 21-23, 25-29, 32-34, 36, 37, and 39-44 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,089,977 to Bennett ("Bennett"). Applicants respectfully disagree with this rejection. However, certain of the claims as discussed below have been amended to clarify the elements of the claims.

The Office Action states that although "Bennett does not explicitly teach the limitation of at least one of the symbol is adapted to function as a wild termination symbol," it would have been "obvious to one of ordinary skill in the art to assign an arbitrary symbol that indicates the end of wild transformation." This conclusion is based on improper hindsight.

Bennett discloses a game including a plurality of reels and a plurality of symbols on the reels. Bennett discloses a "special feature" in the game as follows:

[w]hen an ICEBERG appears anywhere on Reel 1 together with a background COIN anywhere on Reel 5, the PENGUIN FEATURE beings. . . The PENGUIN will move to each symbol in the window. As the PENGUIN moves to each of the symbols the symbol changes to a PENGUIN then changes back to the original symbol and pays each winning combination in which the PENGUIN substitutes.

(Bennett, col. 3, lines 36-38; 46-51). The special feature is thus invoked when both: (a) the iceberg symbol appears in the left hand column of the display or on the first reel; and (b) the background coin symbol appears in the right hand column of the display or

on the fifth reel. These two symbols which must occur in combination with each other to trigger the special feature are at fixed positions on the reels. When both of these symbols occur on the reels, the special feature is triggered. The special feature includes a penguin which moves to other symbols on the reels. The special feature ends when the penguin symbol reaches the last position on the fifth reel or display.

Amended Claim 1 is directed to a gaming device which includes a plurality of reels and a plurality of symbols on the reels wherein at least one of the symbols is adapted to function as a wild activation symbol and at least one of the symbols is adapted to function as a wild termination symbol. The symbol adapted to function as a wild termination symbol is adapted to occur at any one of a plurality of different display positions on the reels. The gaming device also includes a display device for displaying the reels and at least one of the symbols on each reel and a processor in communication with the display device. The processor is adapted to selectively determine if one of the plurality of symbols displayed on the reels by the display device after a spin of the reels is adapted to function as the wild activation symbol and if one of the symbols displayed on the reels is adapted to function as a wild termination symbol. The processor transforms the symbols of the plurality of symbols into wild symbols starting at the symbol adapted to function as the wild activation symbol and ending at the symbol adapted to function as the wild termination symbol.

As indicated above, Bennett does not disclose, teach or suggest a symbol adapted to function as a wild termination symbol which is adapted to occur at any one of a plurality of different display positions on the reels. The Office Action stated it would be "obvious to assign an arbitrary symbol, e.g., a coin symbol, at the end of the last column that indicates the end of wild transformation. It would not be obvious from Bennett to have a symbol adapted to function as a wild termination adapted to occur at any one of a plurality of different display positions. In Bennett, the special feature begins when an "Iceberg" appears on Reel 1 and a "background coin" appears on Reel 5. The special feature disappears when it reaches the last position on the reels. Bennett does not disclose, teach or suggest a symbol adapted to function as a wild termination symbol that can occur at any one of a plurality of different positions on the reels. In Bennett, the

special feature ends when it reaches the last position on the fifth reel. It is therefore respectfully submitted that amended Claim 1 and Claims 2 to 8 which depend from Claim 1 are each patentably distinguished from Bennett and in condition for allowance. Claims 3, 4, 5, 6 and 8 have been amended for consistency purposes.

Amended Claim 9 is directed to a gaming device having a plurality of reels and a plurality of symbols on the reels, wherein at least one of the symbols is adapted to function as a wild activation symbol and at least one of the symbols is adapted to function as a wild termination symbol. The symbol adapted to function as a wild termination symbol is adapted to occur at any one of a plurality of different display positions on the reels. The gaming device includes a display device for displaying the reels and at least one of the symbols on each reel and a processor in communication with the display device. The processor randomly determines if one of the symbols displayed by the display device is adapted to function as the wild activation symbol and if one of the symbols displayed on the reels is adapted to function as a wild termination symbol. Based on the determination, the processor transforms the symbol adapted to function as the activation symbol into a wild symbol, transforms the symbol adapted to function as the wild termination symbol into the wild termination symbol, and transforms said displayed symbols into wild symbols starting with the wild activation symbol and ending with the symbol adapted to function as the wild termination symbol.

As discussed above, Bennett does not disclose, teach or suggest a symbol adapted to function as a wild termination symbol wherein the symbol adapted to function as the wild termination symbol is adapted to occur at any one of a plurality of different display positions on the reels. Bennett teaches a special feature that ends when it reaches the last position on the fifth reel. It would not have been obvious from Bennett to have a symbol adapted to occur at any one of a plurality of different display positions on the reels. It is therefore respectfully submitted that amended Claim 9 and Claims 10 and 11 which depend from amended Claim 9 are patentably distinguished over Bennett and are in condition for allowance. Claim 10 has been amended for consistency.

Amended Claim 12 is directed to a gaming device including a plurality of reels and a plurality of symbols on the reels wherein at least one of the symbols is adapted to function as a wild activation symbol and at least one of the symbols is adapted to function as a wild termination symbol where the symbol adapted to function as a wild termination symbol is adapted to occur at any one of a plurality of different display position on the reels. Amended Claim 12 includes a display device for displaying the reels and at least one of the symbols on each reel and a processor in communication with the display device. The processor is adapted to determine if one of the plurality of symbols is adapted to function as the wild activation symbol and if one of the symbols is adapted to function as the wild termination symbol and causes the display device to change the symbols into a wild activation symbol and a wild termination symbol based on such determinations. The processor transforms the symbols of the plurality of symbols into wild symbols starting with the wild activation symbol and ending with the symbol adapted to function as the wild termination symbol. As indicated above, Bennett does not disclose, teach or suggest a symbol adapted to function as a wild termination symbol nor does it disclose, teach or suggest such a symbol adapted to occur at a plurality of different display positions on the reels. It is therefore respectfully submitted that amended Claim 12 is patentably distinguished over Bennett and is in condition for allowance.

Amended Claim 13 is directed to a gaming device including a plurality of reels and a plurality of symbols on the reels wherein at least one of the symbols is a wild activation symbol and at least one of the symbols is a wild termination symbol, said wild termination symbol adapted to occur at any one of plurality of different display positions on said reels. The wild termination symbol is adapted to occur at any one of the plurality of different display position on the reels. The gaming device includes a display device for displaying the reels, and a processor in communication with the display device. The processor and the display device are adapted to activate the reels, cause the reels to stop and to display at least one symbol on each reel, determine if one of the displayed symbols is the wild activation symbol, transform at least one symbol into a wild symbol if one of the displayed symbols is determined to be the wild activation

symbol, determine if one of the displayed symbols is the termination symbol and transform the symbols of the plurality of displayed symbols into wild symbols starting with the wild activation symbol and ending with the wild termination symbol. Bennett does not disclose, teach or suggest a wild termination symbol wherein the symbol is adapted to occur at any one of a plurality of different display position on the reels. It is therefore respectfully submitted that amended Claim 13 is patentably distinguished over Bennett and is in condition for allowance.

Amended Claim 16 is directed to a method for operating a gaming device having wild symbols which includes activating a plurality of reels including a plurality of symbols, displaying a plurality of symbols on the reels, determining if at least one symbol displayed on the reels is a wild activation symbol and determining if at least one symbol is a wild termination symbol where the wild termination symbol is adapted to occur at any one of a plurality of different display positions on the reels. If one of the symbols is the wild activation symbol and one of the symbols is a wild termination symbol, the symbols are transformed into wild symbols from the wild activation symbol to the wild termination symbol and a player is awarded for any winning combination. Bennett does not disclose, teach or suggest a wild termination symbol adapted to occur at any one of a plurality of different display positions on the reels. Bennett discloses a special feature that ends which it reaches the last position on the fifth reel. Bennett does not disclose, teach or suggest the special feature ending at a wild termination symbol that is adapted to occur at any one of a plurality of different display positions on the reels. It is therefore respectfully submitted that amended Claim 16 and Claims 17 through 20 that depend from amended Claim 16 are patentably distinguished over Bennett and are in condition for allowance.

Amended Claim 26 is directed to a method for operating a gaming device including displaying a plurality of reels including a plurality of symbols, displaying a wild activation symbol on one of the reels, and displaying a wild termination symbol on one of the reels where the wild termination symbol is adapted to occur at any one of a plurality of different display positions on the reels. Claim 26 includes transforming each symbol in the plurality of display symbols into a wild symbol from the wild activation

symbol to the wild termination symbol; and stopping the transformations of the symbols into wild symbols at the position of the wild termination symbol. As indicated above, Bennett does not disclose a method of operating a gaming device which includes displaying a wild termination symbol where the wild termination symbol is adapted to occur at any one of a plurality of different display positions on the reels. It is therefore respectfully submitted that Claim 26 and Claims 27 through 31 that depend directly or indirectly from Claim 26 are patentably distinguished over Bennett and are in condition for allowance.

Amended Claim 32 is directed to a gaming device including a display device, a plurality of cards adapted to be displayed by the display device and at least one wild activation symbol and at least one wild termination symbol. The wild termination symbol is adapted to occur at any one of the cards displayed by the display device. It also includes a processor in communication with the display device for determining whether at least one card displayed by the display device is one of the wild activation symbols and further determining whether at least one card displayed by the display device is one of the wild termination symbols and for transforming at least one card displayed by the display device into a wild card if one of the cards displayed by the display device is a wild activation symbol and if the wild termination symbols is also displayed transforming said cards from the wild activation symbol to the wild termination symbol. Bennett does not disclose, teach or suggest a wild termination symbol that is adapted to occur at any one of a plurality of different cards displayed by a display device. In Bennett, the special feature ends when it reaches the last position on the fifth reel. It is therefore respectfully submitted that Claim 32 and Claims 33 through 35 that depend directly or indirectly from Claim 32 are patentably distinguished over Bennett and are in condition for allowance.

Amended Claim 36 is directed to a gaming device including a display device, and a processor adapted to communicate with the display device and to display a plurality of cards, determine a wild activation position within the display device for one of the plurality of cards and determine a wild termination position from a plurality of different display positions for one of the plurality of cards. It also transforms each of the plurality

of cards into wild cards starting at the wild activation position and ending at the wild termination position. Bennett does not disclose, teach or suggest a wild termination position determined from a plurality of different display positions for one of the plurality of cards. Instead, Bennett discloses a special feature where the penguin ends at the last position on the fifth reel. Therefore, Bennett teaches away from a wild termination position determined from a plurality of different display positions. It is therefore respectfully submitted that Amended Claim 36 and Claims 37 through 43 that depend directly or indirectly from Claim 36 are patentably distinguished over Bennett and are in condition for allowance.

Amended Claim 44 is directed to a gaming machine comprising display means and game control means arranged to control images displayed on the display means. The game control means are arranged to play a game wherein a plurality of symbols are randomly selected and displayed on the display means and, if a predetermined triggering event occurs, a wild activation symbol is provided on the display means in a location of one of the plurality of randomly selected symbols, and a wild termination symbol is provided on the display means in a location of one of the plurality of randomly selected symbols. The wild termination symbol is adapted to occur at one of a plurality of different display positions on said display means. The game control means causes the symbols to become sequentially wild from a location on the display related to the wild activation symbol to a location on the display related to the wild termination symbol. Bennett does not disclose, teach or suggest a symbol adapted to function as a wild termination symbol that is adapted to occur at any one of a plurality of different display positions. It is therefore respectfully submitted that Amended Claim 44 is patentably distinguished over Bennett and is in condition for allowance.

The Office Action rejected Claims 2 to 4, 8, 11, 18, 20, 24, 30, 31, 35 and 38 under 35 U.S.C. § 103 as being obvious over Bennett as applied to Claims 1, 5 to 7, 9, 10, 12, 13, 16, 17, 19, 21 to 23, 25 to 29, 32 to 34, 36, 37, and 39 to 44 and further in view of Schultz. For the reasons stated above, the Applicant respectfully submits that Bennett does not disclose, teach or suggest the elements of the above referenced claims. In addition, Bennett does not teach or suggest Claims 2 to 4, 8, 11, 18, 20, 24,

30, 31, 35 and 38 as applied to Claims 1, 5 to 7, 9, 10, 12, 13, 16, 17, 19, 21 to 23, 25 to 29, 32 to 34, 36, 37, and 39 to 44 and further in view of Schultz. It would not have been obvious from Bennett to have a symbol of a plurality of symbols adapted to function as a wild termination symbol. Further, it would not have been obvious from Bennett to have the symbol adapted to function as a wild termination symbol adapted to occur at any one of a plurality of symbols on the reels. Schultz does not disclose, teach or suggest the present invention.

It would not have been obvious to combine Bennett and Schultz. Schultz discloses a game of video STUD poker which focuses on the wild card appearing in variable positions in a player's hand. (Schultz, col. 3, lines 12-14). Other cards in the hand which match to the wild card's value also are wild. (Schultz, col. 3, lines 14-16). Once the hand is dealt, the machine evaluates the hand ranking and pays for a winning poker hand. (Schultz, col. 4, lines 15-19). Schultz does not disclose, teach or suggest a symbol adapted to function as a wild termination symbol adapted to occur at any one of a plurality of different display symbols. In addition, Schultz does not disclose, teach or suggest a processor that transforms symbols of a plurality of symbols into wild symbols starting with the wild activation symbol and ending at the symbol adapted to function as the wild termination symbol. Schultz discloses a wild card that appears in different positions and which transforms other cards matching that wild card in the player's hand. It is therefore respectfully submitted that Claims 2 to 4, 8, 11, 18, 20, 24, 30, 31, 35 and 38 are patentable over Bennett as applied to the above referenced Claims 1, 5 to 7, 12, 13, 16, 17, 19, 21 to 23, 25 to 29, 32 to 34, 36, 37 and 39 to 44.

An earnest endeavor has been made to place this application in condition for formal allowance and is courteously solicited. If the Examiner has any questions regarding this Response, Applicants respectfully request that the Examiner contact Applicants' attorney, Adam Masia, at (312) 807-4284 to discuss this Response.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY Adam H. Masia

Adam H. Masia
Reg. No. 35,602
P.O. Box 1135
Chicago, Illinois 60690-1135

Phone: (312) 807-4284

Dated: 3/26/04